

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.  
05 JUL 27 PM 12: 26

MARY T. GODWIN, )  
Plaintiffs, )  
v. ) NO. 02-2532 D/An  
CHARLES P. BAKER )  
d/b/a BAKER PROPERTIES, )  
Defendant. )

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

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ORDER

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Before the Court is Plaintiff's Motion for Rule 37 Sanctions and/or for An Order to Show Cause filed on March 16, 2005. United States District Judge Bernice B. Donald referred this matter to the Magistrate Judge for determination, and the Court held a hearing on this matter on July 21, 2005.

On September 16, 2004, Plaintiff served discovery requests on Defendant, and Defendant failed to timely respond to these requests. Plaintiff then filed a Motion to Compel with the Court, and the Undersigned granted the Motion to Compel on January 12, 2005. Defendant has still not responded to the discovery requests; therefore, Plaintiff filed the instant Motion for Sanctions with the Court.

On July 11, 2005, counsel for the Plaintiff filed a document with the Court entitled "Acknowledgment of Receipt of Charles P. Baker" (the "Acknowledgment"). The Acknowledgment states that Defendant is now represented by counsel, Mr. Norman Hagemeyer,



and that Defendant has been provided copies of multiple documents, including Plaintiff's discovery requests and numerous other motions and Orders.<sup>1</sup> The Acknowledgment further states that Defendant "acknowledges that a Show Cause Hearing is set for Thursday, July 21, 2005 at 10:30 a.m." Neither Defendant or Mr. Hagemeyer, however, appeared for the hearing.<sup>2</sup>

Therefore, after due consideration, Defendant is **ORDERED** to completely respond to Plaintiff's Interrogatories and Requests for Production of Documents within 11 days of entry of this Order. Defendant is reminded that the failure to comply with an Order of the Court can be grounds for the imposition of sanctions. Additionally, the Court will reserve ruling on Plaintiff's request for sanctions and/or for an Order to Show Cause until after Plaintiff's counsel has had the opportunity to depose the Defendant.

Mr. Hagemeyer is also **ORDERED** to file a Notice of Appearance with the Clerk of the Court within 5 days of entry of this Order, and the Clerk of the Court is **ORDERED** to correct the Defendant's address to the address reflected in the Acknowledgment. The Defendant shall be required to provide written notice to the Court and to Plaintiff's counsel if his mailing address should change in the future.

Pursuant to the Order of Reference, any objections to this Order shall be made in writing within ten days after service of this Order and shall set forth with particularity those portions of

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<sup>1</sup>At the hearing, Plaintiff's counsel stated that he had spoken to Mr. Hagemeyer and that Mr. Hagemeyer mailed a Notice of Appearance to Plaintiff's counsel; however, Mr. Hagemeyer has not filed a Notice of Appearance with the Clerk of the Court.

<sup>2</sup>The docket sheet indicates that mail sent by the Court to Defendant has been returned as non-deliverable. Defendant, however, listed a new mailing address in the Acknowledgment.

the Order objected to and the reasons for those objections.

**IT IS SO ORDERED.**

S. Thomas Anderson  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: July 25, 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 59 in case 2:02-CV-02532 was distributed by fax, mail, or direct printing on August 1, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT